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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,657	12/11/2001	Zoltan Papp	2011808	4794

34018 7590 08/11/2004

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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08062004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attachment.

James Brittain
Primary Examiner
Art Unit: 3677

Response to Amendment

The reply filed on April 19, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant has failed to indicate if new claim 11 is drawn to the elected species. The Office action mailed December 19, 2002 states in pertinent part: "If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a)" (page 2, ¶6, lines 3-5). Since applicant has not indicated if claim 11 is readable on the elected species, the amendment filed on April 19, 2004 is non-responsive.

If applicant believes that new claim 11 reads on the elected species, then the amendment is also defective because applicant has failed to point out how new claim 11 is patentable over the applied art. Applicant only provides a general allegation of the patentability of new claim 11 on page 9 in the first complete paragraph. Applicant therefore fails to specifically point out how the language of new claim 11 distinguishes over the applied art as required by 37 CFR. 1.111. The pertinent portions of 37 CFR 1.111 comprising sections (b) and (c) are reproduced below for applicant's convenience:

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

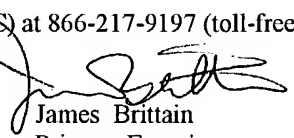
Since applicant has only provided a general allegation for the patentability of new claim 11 without specifically indicating how the language of the claim patentably distinguishes over the applied references, the amendment filed on April 19, 2004 is non-responsive, assuming that applicant believes new claim 11 is readable on the elected species.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Brittain whose telephone number is (703) 308-2222. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James Brittain
Primary Examiner
Art Unit 3677

JRB